

BILL LOCKYER, Attorney General
of the State of California
JOSEPH N. ZIMRING, State Bar No. 185916
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2559
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. OT2004-64

KRIS YURINO FUJIKAWA
5945 Laguna Park Drive
Elk Grove, CA 95758

ACCUSATION

Occupational Therapy License No. OT 5673

Respondent.

Complainant alleges:

PARTIES

1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs (Board).

2. On or about January 8, 2003, the Board issued Occupational Therapy License No. OT 5673 to Kris Yurino Tagamori, currently known as Kris Yurino Fujikawa (Respondent). The Occupational Therapy License will expire on November 30, 2006, unless renewed.

\\

\\

\\

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2570.26, subdivision (a), states that "[t]he board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit."

5. Section 2570.28 states, in pertinent part:

"The board may deny or discipline a licensee for any of the following:

"(a) Unprofessional conduct....

....

"(h) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licensee.

....

"(k) Falsifying or making grossly incorrect, grossly inconsistent, or unintelligible entries in a patient or hospital record or any other record. . . ."

6. California Code of Regulations, title 16, section 4170 states:

"A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person who holds a license, certificate or limited permit issued by the board shall comply with the following ethical standards of practice:

....

"(f) Occupational therapy practitioners shall provide accurate information about occupational therapy services.

....

(3) Occupational therapy practitioners shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive statements or claims.

7. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

\\

8. Section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

9. Pediatric Therapy Network (Pediatric Therapy) is a public benefit, nonprofit corporation located in Torrance, California. Pediatric Therapy contracts with school districts to provide occupational therapy to special education students. Pediatric Therapy employed Respondent as a licensed occupational therapist. Respondent was responsible to visit various school sites to provide occupational therapy services to students.

10. In or around September 2004, Respondent falsely documented that she performed occupational therapy, as follows:

	DATE	TIME	CLIENT
a.	9/13/2004	11:00 AM	A
b.	9/13/2004	12:00 PM	B
c.	9/15/2004	8:00 AM	C
d.	9/15/2004	9:00 AM	D
e.	9/17/2004	10:00 AM	E
f.	9/20/2004	11:00 AM	A
g.	9/20/2004	12:00 PM	B
h.	9/22/2004	9:00 AM	D
i.	9/24/2004	9:00 AM	C
j.	9/27/2004	11:00 AM	A
k.	9/27/2004	12:00 PM	B
l.	9/29/2004	8:00 AM	C
m.	9/29/2004	9:00 AM	D

FIRST CAUSE FOR DISCIPLINE

(False Records)

11. Respondent's license is subject to disciplinary action pursuant to Section 2570.28, subdivision (k), in that she falsified, or made grossly incorrect, grossly inconsistent, or

1 unintelligible entries in patient or any other records submitted to Pediatric Therapy, as stated in
2 Paragraphs 9 - 10.

3 SECOND CAUSE FOR DISCIPLINE

4 (Dishonest Acts)

5 12. Respondent's license is subject to disciplinary action pursuant to Section
6 2570.28, subdivision (h), in she committed fraudulent, dishonest, or corrupt acts that are
7 substantially related to the qualifications, functions or duties of a licensee, as stated in
8 Paragraphs 9 - 11.

9 THIRD CAUSE FOR DISCIPLINE

10 (Violation of Ethical Standards of Practice)

11 13. Respondent's license is subject to disciplinary action pursuant to
12 California Code of Regulations, title 16, section 4170, subdivision (f), in that she failed to
13 provide accurate information about occupational therapy services, as stated in Paragraphs 9 - 11.

14 14. Respondent's license is subject to disciplinary action pursuant to
15 California Code of Regulations, title 16, section 4170, subdivision (f)(3), in that used or
16 participated in the use of any form of communication that contained false, fraudulent, deceptive
17 statements or claims, as stated in Paragraphs 9 - 11.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct)

20 15. Respondent's license is subject to disciplinary action pursuant to Section
21 2570.28, subdivision (a), in that Respondent committed acts of unprofessional conduct as stated
22 in Paragraphs 9 - 14.

23 PRAYER

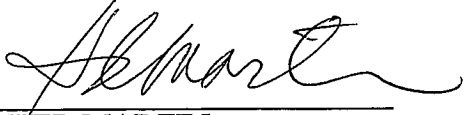
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the California Board of Occupational Therapy issue a
26 decision:

27 1. Revoking or suspending Occupational Therapy License No. OT 5673,
28 issued to Kris Yurino Fujikawa.

1 2. Ordering Kris Yurino Fujikawa to pay the California Board of
2 Occupational Therapy the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED: 9/26/06

7
8 
9 HEATHER MARTIN
10 Executive Officer
11 California Board of Occupational Therapy
12 Department of Consumer Affairs
13 State of California

14
15
16 Complainant

16 LA2006600848
17 60166802.wpd
18 9/18/2006dmc
19
20
21
22
23
24
25
26
27
28